

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

Nixon,

V.

State of Washington,

Petitioner:

Respondent

No. 3:21-cv-05010-BJR-DWC

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge David W. Christel and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's federal habeas Petition is dismissed without prejudice.
- (3) A certificate of appealability is denied in this case.
- (4) The Clerk is directed to send copies of this Order to Petitioner, counsel for Respondent, and to the Hon. David W. Christel.

DATED this 12th day of May, 2021.

Barbara Rothstein

Barbara Jacobs Rothstein
U.S. District Court Judge